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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAXIN PETROLEUM PTE LTD.,

Plaintiff,

-against-

OOO "SEVERNIY BRIZ" A/K/A SEVERNIY BRIZ,
OOO,

Defendant.

09 Civ. 7390 (PKC)

**CONSENT ORDER
DIRECTING THE FLOW-
THROUGH OF ATTACHED
FUNDS SUBJECT TO RULE
B(1) ATTACHMENT AND
DISMISSAL OF ACTION**

WHEREAS on or about August 21, 2009, Daxin Petroleum Pte. Ltd. ("Daxin") instituted this action against OOO Severniy Briz ("SBZ"), pursuant to Rule B of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure; and

WHEREAS, Daxin has served Process of Maritime Attachment and Garnishment (the "PMAG") on various garnishees including Bank of America, N.A. ("Bank of America"); and

WHEREAS, pursuant to service of the PMAG upon it, Bank of America has confirmed it is holding \$128,750 in the form of Electronic Funds Transfers of which SBZ was the originator ("Attached Funds"); and

WHEREAS, Daxin and SBZ entered into a Settlement Agreement on November 10, 2009 (the "Agreement") to resolve between them the disputes underlying this action; and

WHEREAS, SBZ has not answered or otherwise appeared in this action; and

WHEREAS, by the terms of the Agreement, \$80,000 of the Attached Funds are to be released to Daxin in accordance with wire transfer instructions to be provided by Daxin's attorneys, Holland & Knight LLP, and \$48,750 of the Attached Funds are to be sent in

accordance with the original wire transfer instructions that were provided by SBZ so that \$48,750 is transferred to the originally intended beneficiary.

NOW, THEREFORE, it is hereby:

ORDERED that the attachment of the Attached Funds is hereby vacated and, upon service of this Order, Bank of America is directed to disburse the Attached Funds as follows: \$80,000 of the Attached Funds are to be released to Daxin in accordance with wire transfer instructions to be provided by Daxin's attorneys, Holland & Knight LLP, and \$48,750 of the Attached Funds are to be sent in accordance with the original wire transfer instructions that were provided by SBZ so that \$48,750 is transferred to the originally intended beneficiary; and it is further

ORDERED that this action is discontinued with prejudice and without costs as to either party, subject to being reopened within 30 days if any issues arise concerning the receipt of the Attached Funds by the intended recipient in accordance with the instructions set forth here.

Dated: New York, New York
November 12, 2009

HOLLAND & KNIGHT LLP

By:



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Attorneys for Plaintiff,
Daxin Petroleum Pte Ltd.

SO ORDERED:



U.S.D.J. Date

11-12-09